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REEXAM UNIT

#15

Office of Regulatory Policy
HFD - 13
5600 Fishers Lane,
Rockville, MD 20857

Attention: Claudia Grillo

Transmitted herewith is a copy of the application for patent term extension of U.S. Patent No. 5,719,147. The application was filed on May 19, 2003, under 35 U.S.C. § 156.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act, and a method of use of such a product. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination by your office of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 U.S.C. § 156(d)(2)(A).

Inquiries regarding this communication should be directed to the undersigned at (703) 306-3159 (telephone) or (703) 872-9411 (facsimile).

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: J. Eric Thies
Merck & Co., Inc.
Patent Department
PO Box 2000
Rahway NJ 07065-0907

RE: EMEND® (aprepitant)
Docket No. 03E-0418